

1 AN ACT in relation to public health.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Section 5-565 as follows:

6 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

7 Sec. 5-565. In the Department of Public Health.

8 (a) The General Assembly declares it to be the public
9 policy of this State that all citizens of Illinois are
10 entitled to lead healthy lives. Governmental public health
11 has a specific responsibility to ensure that a system is in
12 place to allow the public health mission to be achieved. To
13 develop a system requires certain core functions to be
14 performed by government. The State Board of Health is to
15 assume the leadership role in advising the Director in
16 meeting the following functions:

17 (1) Needs assessment.

18 (2) Statewide health objectives.

19 (3) Policy development.

20 (4) Assurance of access to necessary services.

21 There shall be a State Board of Health composed of 17
22 persons, all of whom shall be appointed by the Governor, with
23 the advice and consent of the Senate for those appointed by
24 the Governor on and after June 30, 1998, and one of whom
25 shall be a senior citizen age 60 or over. Five members shall
26 be physicians licensed to practice medicine in all its
27 branches, one representing a medical school faculty, one who
28 is board certified in preventive medicine, and 2 who are
29 engaged in private practice. One member shall be a dentist;
30 one an environmental health practitioner; one a local public
31 health administrator; one a local board of health member; one

1 a registered nurse; one a veterinarian; one a public health
2 academician; one a health care industry representative; and 4
3 shall be citizens at large.

4 In the appointment of the first Board of Health members
5 appointed after September 19, 1991 (the effective date of
6 Public Act 87-633), the Governor shall appoint 5 members to
7 serve for terms of 5 years; 5 members to serve for terms of 2
8 years; and 5 members to serve for a term of one year. Members
9 appointed thereafter shall be appointed for terms of 3 years,
10 except that when an appointment is made to fill a vacancy,
11 the appointment shall be for the remaining term of the
12 position vacated. The initial terms for the 2 additional
13 members of the board who are citizens at large appointed
14 under Public Act 90-607 shall be for 3 years each, with these
15 positions thereafter being filled as with other members
16 appointed by the Governor. All members shall be legal
17 residents of the State of Illinois. The duties of the Board
18 shall include, but not be limited to, the following:

19 (1) To advise the Department of ways to encourage
20 public understanding and support of the Department's
21 programs.

22 (2) To evaluate all boards, councils, committees,
23 authorities, and bodies advisory to, or an adjunct of,
24 the Department of Public Health or its Director for the
25 purpose of recommending to the Director one or more of
26 the following:

27 (i) The elimination of bodies whose activities
28 are not consistent with goals and objectives of the
29 Department.

30 (ii) The consolidation of bodies whose
31 activities encompass compatible programmatic
32 subjects.

33 (iii) The restructuring of the relationship
34 between the various bodies and their integration

1 within the organizational structure of the
2 Department.

3 (iv) The establishment of new bodies deemed
4 essential to the functioning of the Department.

5 (3) To serve as an advisory group to the Director
6 for public health emergencies and control of health
7 hazards.

8 (4) To advise the Director regarding public health
9 policy, and to make health policy recommendations
10 regarding priorities to the Governor through the
11 Director.

12 (5) To present public health issues to the Director
13 and to make recommendations for the resolution of those
14 issues.

15 (6) To recommend studies to delineate public health
16 problems.

17 (7) To make recommendations to the Governor through
18 the Director regarding the coordination of State public
19 health activities with other State and local public
20 health agencies and organizations.

21 (8) To report on or before February 1 of each year
22 on the health of the residents of Illinois to the
23 Governor, the General Assembly, and the public.

24 (9) To review the final draft of all proposed
25 administrative rules, other than emergency or preemptory
26 rules and those rules that another advisory body must
27 approve or review within a statutorily defined time
28 period, of the Department after September 19, 1991 (the
29 effective date of Public Act 87-633). The Board shall
30 review the proposed rules within 90 days of submission by
31 the Department. The Department shall take into
32 consideration any comments and recommendations of the
33 Board regarding the proposed rules prior to submission to
34 the Secretary of State for initial publication. If the

1 Department disagrees with the recommendations of the
2 Board, it shall submit a written response outlining the
3 reasons for not accepting the recommendations.

4 In the case of proposed administrative rules or
5 amendments to administrative rules that add a new vaccine
6 requirement or make substantial changes in the language
7 of the religious or medical objection exemptions
8 regarding immunization of children against preventable
9 communicable diseases designated by the Director under
10 the Communicable Disease Prevention Act, after the
11 Immunization Advisory Committee has made its
12 recommendations, the Board shall conduct 3 public
13 hearings, geographically distributed throughout the
14 State. At the conclusion of the hearings, the State Board
15 of Health shall issue a report, including its
16 recommendations, to the Director. The Director shall
17 take into consideration any comments or recommendations
18 made by the Board based on these hearings.

19 (10) To make recommendations to the Governor
20 through the Director concerning the development and
21 periodic updating of Statewide health objectives
22 encompassing, in part, the periodically published federal
23 health objectives for the nation, which will provide the
24 basis for the policy development and assurance roles of
25 the State Health Department, and to make recommendations
26 to the Governor through the Director regarding
27 legislation and funding necessary to implement the
28 objectives.

29 (11) Upon the request of the Governor, to recommend
30 to the Governor candidates for Director of Public Health
31 when vacancies occur in the position.

32 (12) To adopt bylaws for the conduct of its own
33 business, including the authority to establish ad hoc
34 committees to address specific public health programs

1 requiring resolution.

2 Upon appointment, the Board shall elect a chairperson
3 from among its members.

4 Members of the Board shall receive compensation for their
5 services at the rate of \$150 per day, not to exceed \$10,000
6 per year, as designated by the Director for each day required
7 for transacting the business of the Board and shall be
8 reimbursed for necessary expenses incurred in the performance
9 of their duties. The Board shall meet from time to time at
10 the call of the Department, at the call of the chairperson,
11 or upon the request of 3 of its members, but shall not meet
12 less than 4 times per year.

13 (b) (Blank).

14 (c) An Advisory Board on Necropsy Service to Coroners,
15 which shall counsel and advise with the Director on the
16 administration of the Autopsy Act. The Advisory Board shall
17 consist of 11 members, including a senior citizen age 60 or
18 over, appointed by the Governor, one of whom shall be
19 designated as chairman by a majority of the members of the
20 Board. In the appointment of the first Board the Governor
21 shall appoint 3 members to serve for terms of 1 year, 3 for
22 terms of 2 years, and 3 for terms of 3 years. The members
23 first appointed under Public Act 83-1538 shall serve for a
24 term of 3 years. All members appointed thereafter shall be
25 appointed for terms of 3 years, except that when an
26 appointment is made to fill a vacancy, the appointment shall
27 be for the remaining term of the position vacant. The members
28 of the Board shall be citizens of the State of Illinois. In
29 the appointment of members of the Advisory Board the Governor
30 shall appoint 3 members who shall be persons licensed to
31 practice medicine and surgery in the State of Illinois, at
32 least 2 of whom shall have received post-graduate training in
33 the field of pathology; 3 members who are duly elected
34 coroners in this State; and 5 members who shall have interest

1 and abilities in the field of forensic medicine but who shall
2 be neither persons licensed to practice any branch of
3 medicine in this State nor coroners. In the appointment of
4 medical and coroner members of the Board, the Governor shall
5 invite nominations from recognized medical and coroners
6 organizations in this State respectively. Board members,
7 while serving on business of the Board, shall receive actual
8 necessary travel and subsistence expenses while so serving
9 away from their places of residence.

10 (Source: P.A. 90-607, eff. 6-30-98; 91-239, eff. 1-1-00;
11 91-798, eff. 7-9-00.)

12 Section 10. The Communicable Disease Prevention Act is
13 amended by changing Section 2 as follows:

14 (410 ILCS 315/2) (from Ch. 111 1/2, par. 22.12)

15 Sec. 2. The Department of Public Health shall promulgate
16 rules and regulations requiring immunization of children
17 against preventable communicable diseases designated by the
18 Director. Before any regulation or amendment thereto is
19 prescribed, the Department shall conduct a public hearing
20 regarding such regulation. In addition, before any regulation
21 or any amendment to a regulation that adds a new vaccine
22 requirement or makes substantial changes in the language of
23 the religious or medical objection exemptions to immunization
24 is adopted, and after the Immunization Advisory Committee has
25 made its recommendations, the State Board of Health shall
26 conduct 3 public hearings, geographically distributed
27 throughout the State, regarding the regulation or amendment
28 to the regulation. At the conclusion of the hearings, the
29 State Board of Health shall issue a report, including its
30 recommendations, to the Director. The Director shall take
31 into consideration any comments or recommendations made by
32 the Board based on these hearings. The Department may

1 prescribe additional rules and regulations for immunization
2 of other diseases as vaccines are developed.

3 The provisions of this Act shall not apply if:

4 1. The parent or guardian of the child objects thereto
5 on the grounds that the administration of immunizing agents
6 conflicts with his religious tenets or practices or,

7 2. A physician employed by the parent or guardian to
8 provide care and treatment to the child states that the
9 physical condition of the child is such that the
10 administration of one or more of the required immunizing
11 agents would be detrimental to the health of the child.

12 (Source: P.A. 90-607, eff. 6-30-98.)